



SPECIAL LETTER TO WORLD LEADERS BY
SHAYKH-UL-ISLAM DR MUHAMMAD TAHIR-UL-QADRI
ON PROFANE ANTI-ISLAM MOVIE

DEAR MR PRESIDENT/PRIME MINISTER

I write to express our deep concern that the denigrating film has driven the peace-loving Muslim masses into yet another threat of extremism and terrorism. It has posed them a grave challenge they have to face, following the concerns and distress it has wreaked. It is history that no people tolerate defamation of their political or national leaders leave alone the denigration of the exalted Prophet of Muslims with over 1.5 billion followers in the world. The Prophet is the honour of the community which no people can compromise. Produced and directed by Nakoula Bassely Nakoula and promoted by the pastor, Terry Jones, the hatred film has hurt the sentiments of billions of Muslims, stoked the fire of hatred and sparked worldwide protests. It is downright conspiracy against the world peace in general and the Muslims of the world in particular to portray the peaceful Muslims as a violent and extremist community. Our failure to address this situation has allowed it to spread all over the world, with no end in sight. This situation has been unnecessarily allowed to spiral out of control and has threatened the concept of peaceful co-existence. If not addressed, it can lead to a potential clash of not only civilizations but religions and societies as well. Particularly, in war against extremism and terrorism, all the nations of the world stand united, bringing the societies and religions of the world closer to each other and reducing the gaps to the minimum. We strongly believe that the day is not far when the plague will be eliminated and the humanity will inhabit the planet with serenity, tranquillity and unity.

The Muslim world is already passing through a sensitive phase of its history, and is engaged in fighting against many perils simultaneously to make its way to the goal of advancement, peace and stability. The ugliest menace it is trying to rid of is terrorism. In this perspective, picking up a tool like producing a denigrating film, hurting the sentiments of the entire Muslim community, blazing the inferno of violence, creating anti-US sentiments on the one hand and portraying Muslims as an intolerant, violent, and extremist community on the other is certainly a real threat to world peace and efforts to promote moderation, integration, peaceful coexistence, interfaith tolerance and harmony round the globe. This ignoble film has in this way jeopardized US interests as well as the Muslim world's struggle in line with UN policies.

You will certainly disincline to disagree that, according to the proven thought of psychic pathology and mob psychology, all violent reactions have their roots in some spiteful, malicious and detesting stimulants. The obnoxious film episode is no exception to the rule. Needling someone's heart and rending sentiments of love and veneration for some inviolable personage indeed hurts deep and for long. The pain excruciates when the



tenderest area is pricked with venom. The Revealed Books and the Prophets like Moses, Jesus Christ and the Prophet Muhammad are those vulnerable points where the love and reverence of all the believers repose. They are the nucleus of faith of the people's collective as well as individual selves where lancing proves fatal. This is applicable to the followers of all religions and is not pertinent to Muslims alone. The blow given by the loathsome film is unimaginably toxic and brutal.

As for the significance of free speech, we believe in that as one of the basic human rights, enshrined not only in the US constitution and law but also in the Universal Declaration of Human Rights, the Bill of Rights and in all the regional documents on basic human rights. However, the libel law and defamation law entrenched in the constitutions of many countries simultaneously ensure the safeguarding of basic human rights such as human dignity. So free speech is a basic human right but human dignity too is a basic human right with equal weight. Constitutions and laws prevent behaviour detrimental to human dignity. Even the Eighth Amendment to the US Constitution cares so much for human dignity that it decrees: "A punishment must not by its severity be degrading to human dignity." How then can human behaviour in general be permitted to be hurtful and degrading?

Former Secretary-General of the United Nations Mr Kofi Annan said: "I also respect the right of freedom of speech. But of course freedom of speech is never absolute. It entails responsibility and judgment."

Former British Foreign Secretary, Jack Straw, said: "There is freedom of speech, we all respect that. But there is not any obligation to insult or to be gratuitously inflammatory. ... There are taboos in every religion. It is not the case that there is open season in respect of all aspects of Christian rites and rituals in the name of free speech. Nor is it the case that there is open season in respect of rights and rituals of the Jewish religion, the Hindu religion, the Sikh religion. It should not be the case in respect of the Islamic religion either. We have to be very careful about showing the proper respect in this situation."

Former US State Department's Spokesman, Kurtis Cooper, once said: "We all fully respect freedom of the press and expression but it must be coupled with press responsibility. Inciting religious or ethnic hatred in this manner is not acceptable."

Former French Foreign Minister, Philippe Douste-Blazy, said: "The principle of freedom should be exercised in a spirit of tolerance, respect of beliefs, respect of religions, which is the very basis of secularism of our country."

If internationally recognized principles of tolerance and coexistence are put aside and moral and religious values are dishonoured, then the present situation will worsen and the prevailing tensions will intensify.



We need to evolve some mechanism to put an end to these horrific occurrences which may prove a potential threat to world peace. Those who advocate that the right to freedom of speech is being eroded and any restraints upon it cannot be tolerated must look within their own “democratic societies” and the extent to which their civil liberties have been eroded through the recent anti-terrorist legislation. These are the measures that have curtailed the rights and liberties of individuals and have much more serious implications which need to be addressed. Muslims are feeling alienated and targeted. Thus, when the most sacred elements of their faith are ridiculed or the most esteemed Prophet of Islam is insulted or defamed, reactions will inevitably be high.

While holding the freedom of speech in high esteem, there is no religion in the world that allows defamation of holy dignitaries, Messengers and Prophets and the words of God. Even the Bible—the *Old Testament* and the *New Testament*—forbid defamation of Holy Moses and Holy Christ. In this connection, *Old Testament* Leviticus 24:13–16; Leviticus 24:23; 2 Samuel 12:14; and *New Testament* Matthew 12:32; Mark 3:29; Luke 12:10 refer.

Islam, being a revealed religion in continuation, has made it a part of faith to venerate all the Prophets and Messengers, especially Moses, Jesus Christ and Prophet Muhammad. All the Abrahamic religions of the world strictly forbid the denigration of the Prophets. But the reverence of the Prophets ordained in the *Old Testament*, the *New Testament* and the Qur'an does not at all deny any human being the right to freedom of speech.

Seen in this context and in the perspective of the genetics of psychic pathologies, the producers, the directors and the promoters of the heinous film do not come within the ambit of freedom of speech; rather they exploit the US constitutional provision of freedom of speech to their own ends, and in doing so threaten US interests by igniting terrorist groups who will further exploit the film in their favour.

Mr President/Prime Minister,

Muslim economies and communities are being strangled by extremist and terrorists elements; they earnestly desire an end to this plague at the earliest. They only ill afford any fresh conflicts, particularly those potent enough to jeopardize the peace process. The current film predicament falls into this category, but it has befallen them unaware and has knocked the bottom from under their feet.

Islam denounces violence, extremism and terrorism, such as we have seen during the protests. I have previously expanded upon this subject in my book *Fatwa on Terrorism and Suicide Bombings*. Since 9/11, simultaneously, we have struggled against violent extremism and terrorism the world over, and my book attempts to bring about conceptual clarity on many questions in this connection. This book has already been submitted to your office.



When the British newspaper, *The Independent* (January 27, 2003), depicted the Prime Minister of Israel, Ariel Sharon, eating the head of a Palestinian child while saying, “What’s wrong, you’ve never seen a politician kissing babies before?”, this caused an uproar in Israel and other parts of the world, raising tempers especially in the Jewish communities around the world. Whatever the matter of that caricature, the uproar was a natural reaction of a people for their leader.

When the Italian Prime Minister Silvio Berlusconi compared himself to Jesus Christ, the Vatican and a number of Italian politicians immediately expressed shock and anger at these comments. A senior Catholic Church official added, “I know he will say he was speaking in jest but such things should not be spoken of in jest.”

The issue here is not one of curtailing freedom of expression but objecting to the ridicule and insult of the Holy Prophet of Islam that has infringed the sentiments of billions of Muslims on the globe. No Scripture permits this destructive behaviour.

According to “the law of defamation”, the absolute right to free expression is curtailed in order to balance the rights of an individual. In the same way, an act that causes offence to a whole community can never be justified under the banner of freedom of speech. Moreover, in many countries, it is illegal or at least discouraged to degrade or abuse the constitution or certain national institutions such as the army, courts of law, or parliament. Contempt of court also exists all over the world which severely limits freedom of speech, violation of which can lead to imprisonment. So the right to freedom of expression is no more absolute; it is seen in relation to other basic human rights. Therefore, hurting the sentiments of a community cannot be weighed against an individual’s freedom of speech.

In reality, the issue is not one of curtailing the “right to freedom of expression” since this is a right that is not absolute and no one can claim so. Rights are reciprocal and their enforcement is interdependent on other fundamental rights. To insist that a right is absolute is erroneous since such a right can infringe other basic human rights. Every country that claims to be part of the “civilized and democratic” world has put its own limits on freedom of expression in the interests of society in order to maintain a certain level of human behaviour, be it based on local norms and customs, culture or religion, but in essence to protect the dignity of their moral and religious, social and societal values.

The free propagation of child pornography for instance or the incitements of religious or racial hatred in the media is banned in many countries and quite rightly so. In many European countries it is a crime to deny the Holocaust, being a criminal offence in Austria, Belgium, Czech Republic, France, Germany, Israel, Lithuania, Poland, Romania, Slovakia and Switzerland, and is punishable by fines and a jail sentence.



There is an agreement between many nations that such a ban is not against freedom of speech and freedom of expression because it infringes the sentiments of a religious community. The defamation of a religion too is a crime that injures the whole community that believes in it and should not be covered under any freedom, especially when it may threaten world peace, interfaith harmony and inter-communal integration.

To give respect to an individual's honour and dignity and religious freedom is a fundamental human right protected by law. The UN Charter, along with constitutions and laws of many countries, provides protection to these rights.

The UN Charter recognizes these rights in Article 1 (iii):

To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.

It is also recognized in the European Convention on Human Rights Article 9:

Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

PROHIBITIVE LAWS ON DEFAMATION OF RELIGIONS

Many European countries have laws on their statute books that forbid defamation of religion. For example:

- i. Austria: Articles 188–189 of the Criminal Code
- ii. Finland: Section 10 of chapter 17 of the Penal Code
- iii. Germany: Article 166 of the Criminal Code
- iv. The Netherlands: Article 147 of the Criminal Code
- v. Spain: Article 525 of the Criminal Code
- vi. Ireland: Article 40.6.1.i of the constitution of Ireland provides that the publication of blasphemous matter is an offence. *Prohibition of Incitement to Hatred Act, 1989* includes hatred against a group on account of their religion.
- vii. Canada: Section 296 of the Canadian Criminal Code
- viii. New Zealand: Section 123 of the New Zealand Crimes Act, 1961
- ix. Churches, for instance, hold sanctity in the Christian world and are protected under the constitution in some European countries. An example is the



constitution of Denmark, section 4 [State Church] which states: “The Evangelical Lutheran Church shall be the Established Church of Denmark, and, as such, it shall be supported by the State.”

Moreover, these laws or traditions have been enforced or practised from time to time in similar situations. For example:

- i. Gerhard Haderer’s cartoon book, *The Life of Jesus*, was banned in Greece in 2003 under Greek laws of “blasphemy” and “insulting religion”.
- ii. In 2008, during a punk festival in Linköping, Sweden used marketing posters showing Satan defecating on Jesus on the cross, under the slogan “Punx against Christ [sic]!” The poster was taken down by the municipality of Linköping.
- iii. On 8 September 2011, UK’s Advertising Standards Authority, advertising watchdog, banned *Phones4U* mobile phone ad featuring an image of Jesus Christ after receiving almost 100 complaints that it “mocked and belittled” the Christian faith. According to the watchdog, the cartoon picture of Jesus winking and giving a thumbs-up sign was “disrespectful to the Christian faith”.
- iv. In 1997 Tatyana Suskin—also spelled Tatiana Soskin—was apprehended in Hebron while attempting to attach to an Arab storefront a drawing she had made depicting Muhammad as a pig reading the Koran. The incident created considerable tension, and she received a two year sentence.
- v. In February 2005, the Museum of World Culture in Gothenburg, Sweden, decided to remove the painting “Scène d’Amour” by Louzla Darabi.
- vi. In February 2006, the activist Manfred van H. was convicted in Germany and sentenced to one year of prison.
- vii. Gregorius Nekschot, a Dutch cartoonist collaborator of Theo van Gogh, was arrested on May 13, 2008. His house was searched by ten policemen and his computer and sketch books were confiscated. He was held in jail for interrogation and was made to remove eight cartoons from his website at the request of the public prosecutor for being discriminatory against the Muslims.
- viii. In 2010, the New York City Metropolitan Museum of Art quietly withdrew all images of the Prophet Mohammed from display because of Muslims who say the images are blasphemous.
- ix. In 2002, the release of the video game *Hitman 2: Silent Assassin* sparked controversy due to a level featuring the killing of Sikhs within a depiction of their most holy site, the Harmandir Sahib. An altered version of *Silent Assassin* was eventually released with the related material removed from the game.



- x. In 2004, a theatre in Birmingham, England, cancelled the performance of the play *Behzti* (*Dishonour*) by playwright Gurpreet Kaur Bhatti. The play depicted sex abuse and murder in a gurdwara—Sikh temple.
- xi. On 26 September, 2012, Google's President of Brazil Operations was arrested for failing to remove YouTube videos. The president of Google operations in Brazil, Fabio Jose Silva Coelho, was detained by the country's federal police, after the company failed to heed a judge's order to take down YouTube videos that the court ruled violate Brazilian electoral law. The arrest of Google executive was announced in Sao Paulo. Brazil's strict electoral laws limit what critics can say on television, radio and the Internet about candidates for office. Fabio Jose Silva Coelho has said the company will take down a controversial YouTube video that led to his detention. A regional judge had ruled that the material slandered a candidate running for mayor next month. Mr Coelho has stressed: "If a video is illegal in a particular country, we will restrict access to it, after receiving a valid court order or government complaint."

PROHIBITIVE LAWS ON HATE SPEECH

INTERNATIONAL

The International Covenant on Civil and Political Rights (ICCPR) states that "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law". [International Covenant on Civil and Political Rights, Article 20]

BRAZIL

In Brazil, according to the 1988 Brazilian Constitution, racism and other forms of race-related hate speech are "imprescriptible crime(s) with no right to bail to its accused". In 2006, a joint-action between the Federal Police and the Argentine police has cracked down several hate-related websites. ["1988 Constitution made racism a crime with no right to bail", Folha de São Paulo, 15 April 2005.]

CANADA

In Canada, advocating genocide or inciting hatred against any "identifiable group" is an indictable offence under the Criminal Code of Canada with maximum prison terms of two to fourteen years. An "identifiable group" is defined as "any section of the public distinguished by colour, race, religion, ethnic origin or sexual orientation". It makes exceptions for cases of statements of truth and subjects of public debate and religious doctrine. The landmark judicial decision on the constitutionality of this law was *R. V. Keegstra* (1990). ["Advocating genocide", "Public incitement of hatred" and "Wilful promotion of hatred", R.S.C., 1985, c. C-46, sec. 318–319, Criminal Code of Canada]



CHILE

Article 31 of the “Ley sobre Libertades de Opinión e Información y Ejercicio del Periodismo” (statute on freedom of opinion and information and the performance of journalism) punishes with a high fine anyone who “through any means of social communication makes publications or transmissions intended to promote hatred or hostility towards persons or a group of persons due to their race, sex, religion or nationality”. This norm has been applied to expressions proffered on the Internet. There is also a rule aggravating the penalties of crimes when they are motivated by discriminatory hatred. [Alvaro Paúl Díaz, *The Criminalization of Hate Speech in Chile in Light of Comparative Case Law* (in Spanish), *Rev. Chil. Derecho*, 2011, vol.38, n.3, pp. 573–609.]

COUNCIL OF EUROPE

The Council of Europe has worked intensively on this issue. While Article 10 of the European Convention on Human Rights does not prohibit criminal laws against revisionism such as denial or minimization of genocides or crimes against humanity, as interpreted by the European Court of Human Rights, the Committee of Ministers of the Council of Europe went further and recommended to member governments to combat hate speech under its Recommendation R (97) 20. The Council of Europe also created the European Commission against Racism and Intolerance, which has produced country reports and several general policy recommendations, for instance against anti-Semitism and intolerance against Muslims.

CROATIA

The Croatian constitution guarantees freedom of speech, but the Croatian penal code prohibits and punishes anyone “who based on differences of race, religion, language, political or any other belief, wealth, birth, education, social status or other properties, gender, skin colour, nationality or ethnicity violates basic human rights and freedoms recognized from international community”. [Article 174 of Croatian Penal Code on Croatian Wikisource]

DENMARK

Denmark prohibits hate speech, and defines it as publicly making statements by which a group is threatened, insulted or degraded due to race, skin colour, national or ethnic origin, faith or sexual orientation. [Danish Penal code, *Straffeloven*, section 266 B.]

FINLAND

There has been considerable debate over the definition of “vihapuhe”—hate speech—in the Finnish language. [“TV2:n Vihaillassa ei päästy yksimielisyyteen vihapuhe-käsitteestä” (in Finnish). *Helsing Sanomat*. 20 September 2011. Retrieved 27 September 2011; and “Vihapuheen määritelmästä ei yksimielisyyttä” (in Finnish). *YLE Uutiset* (YLE). 21 September 2011. Retrieved 27 September 2011.]



If “hate speech” is taken to mean ethnic agitation, it is prohibited in Finland and defined in the section 11 of the penal code, *War crimes and crimes against humanity*, as publishing data, an opinion or other statement that threatens or insults a group on basis of race, nationality, ethnicity, religion or conviction, sexual orientation, disability, or any comparable basis. Ethnic agitation is punishable with a fine or up to 2 years in prison, or 4 months to 4 years if aggravated. [Finnish Penal Code *Rikoslaki/Strafflagen* Chapter 11, section 10 Ethnic agitation / Kiihottaminen kansanryhmää vastaan]

FRANCE

France prohibits by its penal code and by its press laws public and private communication which is defamatory or insulting, or which incites discrimination, hatred, or violence against a person or a group of persons on account of place of origin, ethnicity or lack thereof, nationality, race, specific religion, sex, sexual orientation or handicap. The law prohibits declarations that justify or deny crimes against humanity, for example, the Holocaust (Gayssot Act). [Loi 90-615 du 13 Juillet 1990]

GERMANY

In Germany, Volksverhetzung—incitement of popular hatred—is a punishable offence under Section 130 of the Strafgesetzbuch—Germany’s criminal code—and can lead to up to five years’ imprisonment. Section 130 makes it a crime to publicly incite hatred against parts of the population or to call for violent or arbitrary measures against them or to insult, maliciously slur or defame them in a manner violating their [constitutionally protected] human dignity. Thus, for instance, it is illegal to publicly call certain ethnic groups “maggots” or “freeloaders”. Volksverhetzung is punishable in Germany even if committed abroad and even if committed by non-German citizens, if only the incitement of hatred takes effect within German territory, e.g. the seditious sentiment was expressed in German writ or speech and made accessible in Germany. [German criminal code’s Principle of Ubiquity, Section 9 §1 Alt. 3 and 4 of the Strafgesetzbuch.]

ICELAND

In Iceland, the hate speech law is not confined to inciting hatred, as one can see from Article 233a. in the Icelandic Penal Code, but it includes simply expressing such hatred publicly:

Anyone who in a ridiculing, slanderous, insulting, threatening or any other manner publicly assaults a person or a group of people on the basis of their nationality, skin colour, race, religion or sexual orientation shall be fined or jailed for up to 2 years. (The word “assault” in this context does not refer to physical violence, only to expressions of hatred.) [Icelandic Penal Code, Article 233a]



INDIA

India prohibits any manner of expression which someone might consider insulting to his or her religion or which for whatever reason might disturb public tranquillity. Freedom of speech and expression is protected by article 19(1) of the Constitution of India, but under article 19(2) “reasonable restrictions” can be imposed on freedom of speech and expression in the interest of “the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence”. [Constitution of India]

IRELAND

In Ireland, the right to free speech is guaranteed under the Constitution (Article 40.6.1.i), however, this is only an implied right provided that liberty of expression “shall not be used to undermine public order or morality or the authority of the State”. [Bunreacht na hEireann Fundamental Rights]

The Prohibition of Incitement to Hatred Act 1989 proscribes words or behaviours which are “threatening, abusive or insulting and are intended or, having regard to all the circumstances, are likely to stir up hatred” against “a group of persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins, membership of the travelling community or sexual orientation”. [Irish Statute Book Database]

NETHERLANDS

The Dutch penal code prohibits both insulting a group [article 137c] and inciting hatred, discrimination or violence [article 137d]. The definition of the offences as outlined in the penal code is as follows:

Article 137c: He who publicly, orally, in writing or graphically, intentionally expresses himself insultingly regarding a group of people because of their race, their religion or their life philosophy, their heterosexual or homosexual orientation or their physical, psychological or mental disability, shall be punished by imprisonment of no more than a year or a monetary penalty of the third category. [Dutch Penal Code—article 137c]

NEW ZEALAND

New Zealand prohibits hate speech under the Human Rights Act 1993. Section 61 (Racial Disharmony) makes it unlawful to publish or distribute “threatening, abusive, or insulting ... matter or words likely to excite hostility against or bring into contempt any group of persons ... on the ground of the colour, race, or ethnic or national or ethnic origins of that group of persons”. Section 131—Inciting Racial Disharmony—lists



offences for which “racial disharmony” creates liability. [New Zealand Human Rights Act 1993. Section 61]

NORWAY

Norway prohibits hate speech, and defines it as publicly making statements that threaten or ridicule someone or that incite hatred, persecution or contempt for someone due to their skin colour, ethnic origin, homosexual orientation, religion or philosophy of life. [Norwegian Penal Code, *Straffeloven*, section 135a.]

POLAND

The hate speech laws in Poland punish those who offend the feelings of the religious by disturbing a religious ceremony or creating public calumny. They also prohibit public expression that insults a person or a group on account of national, ethnic, racial, or religious affiliation or the lack of a religious affiliation. [Venice Commission (2008): “Analysis of the Domestic Law Concerning Blasphemy, Religious Insult and Inciting Religious Hatred in Albania, Austria, Belgium, Denmark, France, Greece, Ireland, Netherlands, Poland, Romania, Turkey, United Kingdom on the Basis of Replies to a Questionnaire.” Council of Europe. Retrieved 14 May 2010.]

SINGAPORE

Singapore has passed numerous laws that prohibit speech that causes disharmony among various religious groups. The Maintenance of Religious Harmony Act is an example of such legislation. The Penal Code criminalizes the deliberate promotion by someone of enmity, hatred or ill-will between different racial and religious groups on grounds of race or religion. It also makes it an offence for anyone to deliberately wound the religious or racial feelings of any person. [Maintenance of Religious Harmony Act]

SOUTH AFRICA

In South Africa, hate speech [along with incitement to violence and propaganda for war] is specifically excluded from protection of free speech in the Constitution. The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 contains the following clause:

[N]o person may publish, propagate, advocate or communicate words based on one or more of the prohibited grounds, against any person, that could reasonably be construed to demonstrate a clear intention to—

- i. be hurtful;
- ii. be harmful or to incite harm;
- iii. promote or propagate hatred. [Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, s. 10(1).]



The “prohibited grounds” include race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

The crime of *crimen injuria* [unlawfully, intentionally and seriously impairing the dignity of another] may also be used to prosecute hate speech. [Clark, DM (2003), *South African Law Reform Commission Issue Paper 22 Project 130: Stalking*, South African Law Commission; & Hanti, Otto (9 August 2006), *Man fined after racial slur to top judge*, IOL. Retrieved 10 July 2007.]

In 2011, a South African court banned “Dubulu iBhunu [Shoot the Boer],”—a derogatory song degrading Afrikaners—on the basis that it violated a South African law prohibiting speech that demonstrates a clear intention to be hurtful, to incite harm, or to promote hatred. [Benesch, Susan. “Words as Weapons”, *World Policy Journal* (Spring 2012). Retrieved 31 May 2012.]

SWEDEN

Sweden prohibits hate speech, and defines it as publicly making statements that threaten or express disrespect for an ethnic group or similar group regarding their race, skin colour, national or ethnic origin, faith or sexual orientation. [The Swedish Penal Code, *Brottsbalken*, chapter 16, section 8.]

The crime does not prohibit a pertinent and responsible debate (*en saklig och vederhäftig diskussion*), nor statements made in a completely private sphere. [Proposition 2001/02:59, *Hets mot folkgrupp*, m.m., chapter 5]

There are constitutional restrictions pertaining to which acts are criminalized, as well limits set by the European Convention on Human Rights. [Judgment of the Supreme Court of Sweden in the Åke Green case]

SWITZERLAND

In Switzerland, public discrimination or invoking to rancour against persons or a group of people because of their race or ethnicity is getting penalized with a term of imprisonment up to 3 years. In 1934, the authorities of the Basel-Stadt canton criminalized anti-Jewish hate speech, e.g. the accusation of ritual murders, mostly in reaction against a pro-Nazi anti-Semitic group and newspaper, the *Volksbund*. [“Basel verbiete jede Diffamierung von Juden und Judentum” (in German). Vienna: *Die Stimme—Jüdische Zeitung*. 14 December 1934. Retrieved 12 November 2009.]

It is evident from these laws and traditions that freedom of speech is a fundamental right but this is a relative freedom like other freedoms. There are hundreds of books and newspaper articles that have been published attempting to criticize Islam and the basic tenets of its faith, yet Muslims never object to scholarly debate since they are well aware that this is part of an ongoing debate on Islam and within the tenets of “freedom of



expression". There have been countless newspaper articles completely misrepresenting Islam, often publishing clear lies and exaggerated stories about Islam and its law yet Muslims are tolerant and appreciate that this is part and parcel of living within societies who claim this to be part of their liberal democracies.

However when this right of freedom of expression is abused and the most sacred elements of Islam are deliberately insulted, then this will definitely create great unrest among Muslims around the world. War against terrorism has been launched the world over. The stimuli and spurs that provoke it need to be obliterated, never to let them raise their heads again, for fuelling terrorism is conspiring against peace. That merits stringent measures to be taken in the better interest of humanity.

Mr President/Prime Minister,

You have been prodigiously safeguarding the process of peace and harmony in the world and battling the forces of terrorism. This ignoble film has not only hurt the feelings of 1.5 billion Muslims but also of billions of peace-loving people belonging to different religions and cultures of the world who have been fully supporting the war against extremism around the globe. This film only strengthens the position of terrorists, damages the morale of those who struggle against terrorism, and creates unrest in the Muslim world, while spawning difficulties for the forces of peace. Such an act is deeply offensive and will increase divisions and hatred. A handful of individuals, it does not matter whether they are related to mosque or church, cannot be given the right to flippantly play about with peaceful co-existence and their so-called sentiments must not be preferred over global peace. If we do not stop these events in our time, it will leave a most terrible legacy for generations to come. So individuals or groups should never be allowed to play with the world peace. Therefore this becomes our responsibility to exercise legislative control at international level—the UN and OIC.

I trust you will provide exceptional leadership in this complicated situation, safeguarding the interests of global peace, interfaith harmony and victory against terrorists wherever they are and that you will take effective initiatives to rein in the tendencies to hurt religious sentiments provoking unhealthy reactions.

With best regards,

MUHAMMAD TAHIR-UL-QADRI

September 29, 2012.